THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.26456 of 2006

DATED 20.12.2006

Between:
Capt. Kanuganti Kishan and
another. … PETITIONERS

versus

The Commissioner, Municipal
Corporation of Hyderabad, Lower
Tank Bund Road, Hyderabad. …
RESPONDENT

WRIT PETITION NO.26456 of 2006

ORDER:

The matter is coming up for admission today. Sri Ghanta Rama Rao, learned Standing Counsel takes notice on behalf of the respondent.

2. The learned Standing Counsel states that there is no threat of dispossession and only on apprehension the writ petitioners approached this Court.

3. The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondent in proposing to lay the road affecting the houses of the petitioners bearing Municipal Nos.10-5-4/1/B/1 (old portion of H.No.10-5-4/1/B) and H.No.10-5-4/1/B, situated at Masab Tank, Hyderabad belong to the petitioners respectively, without due process of law and without initiating Land Acquisition proceedings, as illegal, arbitrary, unjust and besides violative of Article 300-A of the Constitution of India and principles of natural justice and consequently

direct the respondents not to dispossess the petitioners from house bearing Municipal Nos.10-5-4/1/B/1 (old portion of H.No.10-5-4/1/B) and H.No.10-5-4/1/B, situated at Masab Tank, Hyderabad belong to the petitioners respectively without following due process of law and pass such other suitable orders.

4. Several elaborate factual details are narrated in the affidavit filed in support of the Writ Petition and these aspects in detail need not be dealt with inasmuch as it is needless to say that the respondent is expected to follow due process of law before proposing to lay the road affecting the houses of the writ petitioners, which is the subject matter of the Writ Petition.

5. Accordingly the Writ Petition is disposed of directing the respondent not to dispossess the petitioners from the subject matter of the Writ Petition unless and until due process of law is followed. No costs.

20.12.2006

SSR